810
Sec(IT)
dt 23/2/57

1955

File No. EVP1055 D

ERS dep No 85
57

DEPARTMENT

BRANCH

Subject:— No ~~obj~~ objection certificate

P. L

~~P~~/163
Dep
Pol/Vols
11/3/57

Karnatak

B Class

Karnatak

D-4

26
6

File No.

Sta. Secta. Slip 24-A

R. H. & R. C. Deptt.

R & R

S. No. 21840.

The Coll. seems to have misunderstood the first orders under which the no objection certificate in question was issued. Presumably the Coll. refers to C.T. R&D. No. R. 141-B (Secret), dt— the 2nd (not 24th) September 1945. The view taken by the Coll. seems correct. C.E.S. may, however, see me before the Collr's presumption is confirmed

Yes

A.S.

Was on the point of issuing no-objection certificates discontinued by back. It seems no useful action was required at all

7/196

Resolution-Head

2. It has been informally ascertained from C.E.S's office

that no instructions for discontinuance of the practice of issuing No-Objection certificates were issued by Govt. or C.B.I. The practice was in force before the commencement of the Prevention of Corruption (Amendment) Act, 1953. With the commencement of that Act however the question of issuing No-Objection certificates did not arise since the new sections 40 & 41 of the Principal Act did not contemplate the issue of such certificates by the Central Govt. The Central action in continuing the practice was, it is submitted, in order. CBI may see us & confirm the above position

16/1/53

No. to C.B.I., Bombay dt 20/6

III

GOVT. PROPERTY
GOVT. OF INDIA
No. 1 CBR 127 Cons.
22342
21-6-55

C.E.P's Office.
ated the 23rd June, 1955.

p.j. Act 31 of 1953

Under Section 40 as amended by the Act 11 of 1953 any transfer made after the commencem-ent of that Act (i.e.6.5.53) with the previous approval of the Custodian did not require conformation even though the transferor became an evacuee thereafter.

Hence applications for grant of previous approval of the Custodian for intended transfers were entertained and disposed by the Custodian. But by the amending Act of 1954 (Act 48 of 54) it has been enacted that any transfer after 7.5.54 did not require confirmation under Section 40 of the Administration of Evacuee Property Act. This amendment came in force on 8.10.54. In view of this amendment applications received thereafter for grant of previous approval for transfer by the Custodian have been considered to be misconceived and rejected. In view of the amendment of Section 40 by Amending Act of 1954 the practice of granting previous approval should be discontinued.

REHABILITATION DEPARTMENT
File No. EVP 1035
Date 23 JUN 1955
R. No. 26329

VS 20/6/55
I.C.

C.E.P.

U.O.R. to R.H.B.C.

R. H. & B.C.D.
R.B.

In view of the position stated in C.E.P's foregoing note, the Collector's assumption may be confirmed. Draft sent.

E 14/7/55

I think it will be better

Subject:-No objection certificates:
for completion of transactions pertaining to sale, exchange or other transfer of any property by Muslims.

**

No. EVC.S.R. 1937 Office of the Collector,
To Dharwar, 26/5/1955.

The Secretary to Government,
Development Department(Backward Classes,
Rehabilitation and Housing) Bombay.

As per Government circular Memorandum Rehabilitation Department No. R 141-B dated the 24th September 1949, no objection certificates are being issued in suitable cases to Muslims to the effect that there is no objection to the particular transaction on receipt of their applications and after proper enquiry.

But in view of the insertion of a new section viz. section 7(A) to the Administration of Evacuee Property Act 1950, fresh proceedings under section 7 of the Act have been restricted to cases in which properties have become liable to be declared as Evacuee property under clause (d)(1) of section 2 of the Administration of Evacuee Property Act with effect from 7th May 1954. Moreover it is intimated by the custodian of evacuee property Bombay under his confidential letter No.CEP/CIR/127-Conference dated 13-1-1955 that no fresh proceedings are to be started on or after 8th April 1955.In view of these facts it is presumed that issue of no objection certificates as per Government Memo. quoted in para I above, is not necessary and that the applicants who request for grant of such certificates may be informed that no certificates are now necessary for effecting various transaction in respect of their immovables. My presumption may please be confirmed.

for Collector of Dharwar.

No. 1857

LETTER.

To

The Collector of Dharwar

No.EVP.1055/26329-B. Sachivalaya, Foreshore Road,
Bombay, July 1955.

Subject:-No objection certificate for completion of transactions pertaining to sale, exchange or other transfer of any property by Muslims.

Reference your letter No.EVC.S.R.1937, dated the 26th May 1955, on the above subject.

2. Your presumption is confirmed.

o/c.

(J.C.FERNANDEZ),
Under Secretary to the Government of Bombay,
Rehabilitation, Housing and
Backward Classes Department.

14/7/55

J/12.7.

LETTER.

To
The Collector of Dharwar.

No.EVP.1055/26329-B. Sachivalaya, Foreshore Road,
Bombay, 1 AUG 1955 July 1955.

Subject:- No objection certificate for completion of transactions pertaining to sale, exchange or other transfer of any property by Muslims.

Reference your letter No.EVC.S.R.1937, dated the 26th May 1955, on the above subject.

2. Under Section 40 of Act 31 of 1950 as amended by Act 11 of 1953 any transfer made after the commencement of the latter Act (i.e. 6th May 1953) with the previous approval of the Custodian did not require confirmation even though the transferor became an evacuee thereafter. Hence applications for grant of previous approval of the Custodian for intended transfers were entertained and disposed of by the Custodian. But by the Amending Act of 1954 (Act 42 of 54) it has been enacted that any transfer after the 7th May 1954 did not require confirmation under the said Section 40. This amendment came into force on the 8th October 1954. In view of this amendment applications received thereafter for grant of previous approval for transfer by the Custodian have been considered to be misconceived and rejected. In view of the amendment of the said Section 40 by the Amending Act of 1954 the practice of granting previous approval should be discontinued.

ISSUED
1 AUG 1955

o/c.

(J.C.FERNANDEZ),
Under Secretary to the Government of Bombay,
Rehabilitation, Housing and Backward
Classes Department.

29/7/55 (a-tte fc.)

J/26.vii.

Subject:-No objection certificates for completion of transctions pertaining to sale, exchange or other transfer of any property by Muslims.

No. EVCSR 1937
To

Office of the Collector,
Dharwar, Aug. 5th, 1955.

The Secretary to Government,
Development Department,(Rehabilitation,
Housing and Backward Class) Bombay.

Kindly refer to this office letter of even No. dated 26-5-1955 and issue early orders in the matter.

21840-13 2634 ft. 1218
3m/s

for Collector of Dharwa

REHABILITATION, HOUSING AND BACKWARD CLASSES DEPARTMENT.
File No. EVP 1055 37053.
B. No.
Date 13 AUG 1955

2004—5,00,000—9-50—K2*
G.R., G.D., No. 2408, dated 22-6-22.]

Std. Sectt. 78 e.

Correspondence

DOCKET SHEET

Subject :— Audit report on P.D.A. of Coke & Dy. C.E.P. Belgaum for half year ending 30/9/54

File No. Env 1055

R. H & B.C. **DEPT.**

B. **BRANCH.**

References :

Date.	To whom sent.	Notes and instructions.
12/8/55	Branch D	pl return file to RH & BCD Thanks

REHABILITATION DEPARTMENT
File No. EW 1055
Date 30 APR 1955
S. No. 16673

No. CEP/AUDIT/14/IX/54.

OFFICE OF THE
CUSTODIAN OF EVACUEE PROPERTY,
Mercantile Bank Building, Fort,
Mahatma Gandhi Road, Fort, Bombay.

27th April, 1955.

The Joint Secretary to Govt. of Bombay,
Development Department (Backward Classes Rehabilitation & Housing),
BOMBAY.

Sub:- Audit Report on the Personal Deposit Account of the Collector & Dy.Custodian of Evacuee Property, Belgaum, for the half year ending 30.9.54.

An extract of para 3 of the above audit report issued by the Examiner, Outside Audit Department, Bombay, under his No.OA/Cust/4/25/IX/54/11526, dated 17th Jan., 1955 is enclosed.

The reply of the Dy.Custodian of Evacuee Property, Belgaum to the above audit objection is reproduced below:

> "The evacuee composite properties of Shri Bandukawala and Shri Shaikh Abdul Karim were sold by the Competent Officer, K.D. for Rs.12469/- and Rs. 1313/- respectively i.e. for a total amount of Rs. 13782/-. The Examiner, Outside Audit, suggests that a reasonable amount should be assessed and recovered from the sale proceeds to meet the expenses incurred in connection with the disposal of the properties. Orders are therefore solicited as to the percentage of the sale proceeds which may be recovered to meet the expenditure of the establishment of the Competent Officer, Southern Division or the Dy.Custodian of E.P. Legal, Bhatkal. The reply to this audit objection may be given direct."

The Audit Department desires that the proportionate expenditure of the Competent Officer's establishment should be worked out for this and other districts also and recovered from the sale proceeds. The position may kindly be examined under the Evacuee Separation Act and the rules thereunder and necessary orders in the matter may please be issued.

Encl:- Copy of Extract.

ACCOUNTS OFFICER,
Custodian of Evacuee Property,
Bombay.

Copy forwarded with compliments to:-

1. The Examiner, Outside Audit Department, Bombay.
2. The Collector & Deputy Custodian of Evacuee Property, Belgaum.

KGN. 27.4.55.

Extract of Para 3 from Examiner,OAD.letter No.OA/Cust/25/IX-54/11526, dated 17th January,1955.

.-.-.-.-.-

Current Audit.

3. Custodian fees payable on sale proceeds of composite Properties :-

Two composite properties one of Shri Bandukwala valued at Rs.12,500/-/- and another of Shri Shaikh Abdul Karim, valued at Rs.1,500/-/- were sold to the other partners,respectively for Rs.12,469-0-0 and Rs.1,313-0-0 under orders of the competent Officer, Bhatkal. No Custodian fees shall be chargeable on these realisations(vide amendment to Rule 26 of the Administration of evacuee property(Central) Rules). But an amount of Rs.1,378-12-0 being 10% on such realisations, has been charged by the Collector during the period under review. This needs to be written back to the respective accounts of the evacuees. (vide Custodian's No.CEP/CIR/33/ dated 10-12-54. Although as per amended rule 26 no fee shall be chargeable the Custodian can law fully recover such amounts as is, in his opinion, sufficient to defray the expenses, incurred in connection with or incidental to the disposal of such property. (vide Rule 25(3) of Administrative of Evacuee Property Rules). A special officer designated "Competent Officer" was appointed to dispose of composite properties (by sale to other partners or otherwise) in the Southern Division. Proportionate expenditure of his establishment pertaining to this district, may please be worked out and recovered from these sale-proceeds. This may also please be done in the case of disposal of other composite properties in other Districts.

(T.Narasimhan)
Examiner, Outside Audit,
Bombay.

S.N. 16673 5 DDC Bl. R.H)
B.

Pl. see the letter dt. 28/4/55 from the C.E.P. and the audit para at page 3 ante. The C.E.P has not offered any remarks on the points raised by the examiner, O.A.D. It appears that there are two points involved.

1) whether custodian fees can be levied on the sale-proceeds of the composite property

&

2) whether any amount can be recovered from the sale-proceeds under the administration of E.P. Act, 1952

Before any remarks are offered in this dept, it is desirable to obtain specific remarks of the C.E.P & the C.O. Bombay on the observation made by the audit. These pps. may, therefore, be referred to C.E.P & the C.O. Bombay for their comments in the first instance.

VSA 6/5

I do not think the view taken by the Audit is correct. Same case is being dealt by properties and we are following orders on this point. But this will apply only when there is special Sale Deed. No remarks can be made for C.O. Bombay please do this for remarks

11/5

Ref to C.O. Bombay dt. 12/5

REHABILITATION DEPARTMENT
File No. EVP/055
Date 19 MAY 1955
Serial No. 19935

Returned with compliments:-

The Examiner, Outside Audit Department, Bombay, seems to have formed the wrong impression that the Competent Officer is a "Special Officer, appointed to dispose of composite properties", as part of the establishment of the Custodian of Evacuee Property, and hence he has made the particular notes. Really speaking, the Office of the Competent Officer is created under a separate Act, called the Evacuee Interest(Separation) Act, for administering that Act. Hence ~~the~~ no amount can be deducted as suggested by him.

Under the Evacuee Interest(Separation) Act and orders thereunder, the expenses of sale, including auction commission, are deducted from the properties sold by public auction by the Sales Officers, appointed by Government, under the Competent Officer.

Bombay, 16-5-55. Competent Officer 16/5. B.

FINANCE DEPARTMENT
File No. VI 1-6-55
Date
Serial No. 40935

S.No. 19935

DD, CB-E. 2nd B.

Submitted w.r. to office note dt. 11/5/55

In view of the position explained by the C.O. Bombay, the Ex. O.A.D. may informed as the draft put up, which may issue after w.r. to F.D.

AS II

w.r. to the J.D. dt. 29/5/55

Finance Department III

Seen and returned to the R.H. &

B. C. Deptt.

12-8-55.

TMH
8/8/55

U.O. (M)

NOR. 5 RH&BC.D. dated 1/8/55.

REHABILITATION, HOUSING AND BACKWARD CLASSES DEPARTMENT.
File No. ERP 1035
S. No. 3645
Date 13 AUG 1955 B

RH&BC
B

F.D. having agreed, draft
the proposal - page 9 may issue

1/8/55

17/8

No.EVP.1055/~~19935~~ 36457-B.
Rehabn.,Housing & B.C.Deptt.,
New Sectt.,etc. June'55.

To

The Examiner, O.A.D., B'bay..

Subject:-Audit Report on the Personal Deposit Account of the Collr. and Dy.C.E.P., Belgaum, for the half year ending 30.9.54.

Sir,

I am directed to invite a ref. to para.3 o your letter No.OA/Cust/4/25/IX/54/11526, dated the 17th Janry.1955 addressed to the Collr. and D.C.E.P., Belgaum regarding audit report on his Personal Deposit Account, for the period ending 30th Septr.1954 and to state that the establishmen of the Competent Officer has been created under the provisions of the Evacuee Interest(Separation) Act, 1951, and it is not correct to say that the special officer designated "Competent Officer" has been appointed to dispose of composite properties under the Administration of Evacuee Property Act, 1950. The expr. on Competent Officer's establishment cannot be recovered from 10% fees levied by the C.E.P. for the administration of Evacuee Property. It is, therefore, not possible to deduct from the sale proceeds proportional expr. on the C.O.'s establishment.

For the purpose of sale of composite property, Govt. has appointed Sales Officers, under the C.O.s and the expenses of sale including auction commission are ~~deducted~~ recovered from a property sold by public auction by the Sales Officer.

O/C.

~~Under~~ Asstt.Secy.to the Govt.of B'bay, R.,H.& B.C.Dept

~~E/S/103/34263 B.~~
~~dt. 14/9/53~~
~~R.H.D.~~

Copy forwarded to the CE&P Hqrs w.r.to his letter no.
CE&P/Audit/14/1x/54 dt. 27/28-4-55 for information.

...N. HOUSING AND ...
...VELOPMENT.
File No. Fnd1055
No. 42558
Date 14 SEP 1955

From

THE EXAMINER, OUTSIDE AUDIT DEPARTMENT.
Branch Office of The Accountant General, Bombay,
Universal Assurance Buildings, 4 th Floor,
Sir. P. M. Road. BOMBAY No. 1

The Asstt. Secy. to the Govt. o:
Rehabilitation, Housing and Bac
Ward Classes Department,
Bombay.
Bombay.

No. OA/Cust/IV/25/III-55/6210 Station. Date. 13-9-55

Sub:- A.R. on the P.D.Account of the Deputy Custodia Evacuee Property, Belgaum for the half year ended 30-9-54.

Sir,

I am to invite a reference to your letter No. EVP.1055/36457-B dated 25-8-1955 on the subject mentioned above and to state that in view of the explanations given therein the point raised in para 3 of the above Audit Report is not being pursued further.

Yours faithfully,
S.R.Darshetkar
(S.R.Darshetkar)
Asstt. Examiner, O.A.D

No.OA/Cust/IV/25/III-55/6211

Copy forwarded with compliments to the Custodian of Evacuee Property, Bombay for information.

R.H.R.S.C.D

Submitted with ref. to G.L. No. 2/8/55.
2 No further action is now req
on these Ms. in view of the abo
letter
16/9/55
17/9/55